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09/739,938	12/18/2000	Robert Rosin	SONYA-56320	6083

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/739,938

Applicant(s)
Robert Rosin And Yumie Sonoda

Examiner
Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 25, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-105 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. This Office Action is in response to the Amendment entered 11/25/2003 for the patent application (09/739,938).

Priority

2. The present patent application claims priority from US Application number 09/201,020, filed November 20, 1998, now abandoned.

Status of the claims

3. The pending claims 57-105 are examined as follow

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 57-73, 77-82, 85-91, 93-102, 104, and 105 are rejected under 35 U.S.C. 102(a) as being anticipated by Peterson et al (6,594,682).

Peterson et al (6,594,682) relates to client-server systems and methods for obtaining Web related content from one or more servers and presenting that content to a user.

With regard to claim 57:

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As per “A system for enabling a user to select among and access one of a plurality of Internet web sites,” Peterson discloses a browser (90) to select among and access one of a plurality of Internet web sites (see fig. 3, column 8, lines 54-59);

as per “a graphical user interface,” Peterson’s browser (90) includes, among others, user interface or pane (122) and content viewer user interface (140) (see Fig. 6);

as per “means for enabling selection of and access to one of a plurality of Internet web sites” (browser (90));

as per “means of enabling selection of and access to one or more television channels;” as illustrated in Fig. 5, the channels, such as CBS, MSNBC, CNN are television channels; and by using the interface device (Fig. 2, #72) one can select a channel of his choice to view the content of the channel, such as the Disney channel (Fig. 6).

as per “means for enabling selection of and access to one of an array of web channels upon actuating the Internet web site selection-access enabling means, wherein each web channel includes a plurality of selectable categories associated with the web channel, and a plurality of selectable Internet web sites related to and associated with each selectable category” (see Fig. 5, column 11, lines 39-47);

and as per “means for enabling customization of at least one of the array of web channels upon actuating the web channel selection-access enabling means so as to enable selection of one of the plurality of selectable categories associated with the web channel, and one

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of the plurality of selectable Internet web sites related to and associated with each selectable category” (see column 11, lines 48-column 12, lines 31).

With regard to claim 58:

as per “the graphical user interface further includes a web channel guide, in which the array of the web channels is presented” (see column 10, lines 9-16, fig. 5).

With regard to claim 59:

as per “a plurality of web channel buttons, each of which is adapted to be associated with one of the array of the web channels” (see fig. 5).

With regard to claim 60:

as per “means for enabling the user to customize the at least one of the plurality of Internet web sites associated with each of the array of the web channels” (see column 11, lines 48-column 12, lines 31).

With regard to claim 61:

as per “means for enabling the user to navigate among the array of the web channels” (see the input devices, such as, a mouse and keyboard in fig.2).

With regard to claim 62:

as per “means for displaying the graphical user interface” (see display monitor, fig. 2).

With regard to claim 63:

as per “means for identifying the web channel being presented, upon presenting the web channel” (see column 10, lines 60-63).

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With regard to claim 64:

as per “means for enabling the associating means to access an Internet web site selected by the user” (see column 8, lines 54-59, browser (90)).

With regard to claim 65:

as per “a client device, including an Internet browser for enabling access to and retrieval of the plurality of the Internet web sites (see fig. 2, column 7, lines 24-34, browser (90)).

With regard to claim 66:

as per “means for enabling the user to navigate among the plurality of the Internet web sites associated with each of the plurality of the web channels, and to obtain access to each of the plurality of the associated Internet web sites” (see column 11, lines 39-47); .

With regard to claim 67:

as per “means for enabling the displaying of the web channel guide, wherein the displaying enabling means are further adapted to enable the displaying of the plurality of the associated Internet web sites (see fig. 5, column 10, lines 4-54).

With regard to claim 68:

as per “a client device, and means for enabling a plurality of the Internet web sites associated with the plurality of the web channels to be downloaded and stored in the client device” (see column 12, lines 33-43).

With regard to claim 69:

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as per “each of the plurality of the web channels comprises one of a plurality of the Internet web sites commonly accessed by the user” (see fig. 5, column 10, lines 4-54).

With regard to claim 70:

as per “each of the plurality of the Internet web sites comprises one of the plurality of the Internet web sites selected for the user” (see column 7, lines 1-14, column 10, lines 3-24).

With regard to claim 71:

as per “the plurality of the Internet web sites associated with each of the plurality of the web channels comprises a group of the Internet web sites categorized for the user based on content” (see column 7, lines 1-14, column 10, 4-16).

With regard to claim 72:

as per “the customization enabling means include a plurality of customizing buttons, each of which is adapted to be associated with one of the array of the web channels” (see column 10, lines 9-16, column 12, lines 16-23, fig. 5).

With regard to claim 73:

as per “the customization enabling means include a plurality of category buttons, adapted to be associated with each of the array of the web channels (see column 10, lines 9-16, column 12, lines 16-23, fig. 5).

With regard to claim 77:

as per “the navigating enabling means comprise a keyboard which includes function keys for enabling navigating among the web channels” (see keyboard in fig. 2).

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With regard to claim 78:

as per “the navigating enabling means comprise a mouse device” (see mouse in fig. 2).

With regard to claim 79:

as per “the navigating enabling means include means for enabling the user to move up and down among the web channels” (see up/down arrows in figs. 5 and 6).

With regard to claim 80:

as per “the navigating means include means for enabling direct access to a selected one of the web channels” (see column 10, lines 55-63).

With regard to claim 81:

as per “the displaying means comprise a display monitor” (see display monitor in fig. 2).

With regard to claim 82:

as per “the displaying means comprise a television display” (see web-enabled television, fig. 8).

With regard to claim 85:

as per “the access enabling means comprise a telephone modem” (see modem in fig 2).

With regard to claim 86:

as per “the access enabling means comprise a digital broadcast satellite system” (see column 13, lines 28-36).

With regard to claim 87:

as per “the access enabling means comprise a web server” (see web server in fig. 1).

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With regard to claim 88:

as per “an Internet program guide adapted to be accessible through the graphical user interface through use of one of the plurality of customizing buttons associated with one of the array of web channels” (see column 10, lines 4-24, fig. 5, column 11, lines 57-column 12, lines 23).

With regard to claim 89:

as per “each of the plurality of category buttons includes a plurality of Internet web site buttons, each of which is adapted to be associated with one of the plurality of selectable Internet web sites” (see column 11, lines 39-47).

With regard to claim 90:

as per “means for enabling at least one of the plurality of Internet web sites to be downloaded and stored in the client device” (column 12, lines 33-43).

With regard to claim 91:

as per “each of the plurality of the web channel buttons includes a uniform resource locator representing the associated Internet web site” (see column 4, lines 53-57, column 7, lines 15-22).

With regard to claim 93:

as per “each of the Internet web site buttons includes an Internet web site title representing the associated Internet web site” (see column 4, lines 53-57).

With regard to claim 94:

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as per “a method of enabling a user to select among and access one of a plurality of Internet web sites and one or more television channels, in a system which includes a graphical user interface, including means for enabling selection of and access to one of a plurality of Internet web sites, means for enabling selection of and access to one or more television channels, means for enabling selection of and access to an array of web channels upon actuating the Internet web site selection-access enabling means, wherein each web channel includes a plurality of selectable categories associated with the web channel, and a plurality of selectable Internet web sites related to and associated with each selectable category, and means for enabling customization of at least one of the array of web channels upon actuating the web channel selection-access enabling means so as to enable selection of one of the plurality of selectable categories associated with the web channel, and one of the plurality of selectable Internet web sites related to and associated with each selectable category” (see column 10, lines 4-column 12, lines 31, figs. 5 and 6);

as per “enabling the displaying of the graphical user interface” (see fig. 6);

as per “enabling the displaying of the array of the web channels” (see figs. 5 and 6);

as per “enabling the selecting of the one or more television channels within the graphical user interface.” (See Figs. 5 and 6).

as per “enabling the user to select one of the array of the web channels and to obtain access to one of the plurality of the related and associated Internet web sites; (see column 10, lines 4-54, figs. 5 and 6); and

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as per “enabling the user to customize at least one of the array of web channels” (see column 10, lines 9-16, column 12, lines 16-23).

With regard to claim 95:

as per “the graphical user interface further includes a web channel guide, in which the array of the web channels is presented, and web channel display enabling further comprises enabling the displaying of the web channel guide” (column 10, lines 4-54, figs. 5 and 6).

With regard to claim 96:

as per “the system further comprises a plurality of web channel buttons, each of which is adapted to be associated with one of the array of the web channels, and web channel display enabling further comprises enabling the displaying of the plurality of the web channel buttons” (see column 10, lines 4-54, fig. 5).

With regard to claim 97:

as per “each of the array of the web of channels is adapted to be associated with a plurality of the Internet web sites, and web channel display enabling further comprises enabling the selection of one of the plurality of the Internet web sites associated with each of the array of the web channels (column 6, lines 17-26, column 10, lines 4-54).

With regard to claim 98:

as per “means for enabling the user to navigate among the array of the web channels, and the method further comprises enabling the user to navigate among the array of the web channels” (see the up/down arrow in figs. 5 and 6).

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With regard to claim 99:

as per “means for displaying the graphical user interface, and the method further comprises displaying the graphical user interface” (see display monitor in fig. 2).

With regard to claim 100:

as per “means for identifying the web channel being presented upon presenting the web channel, and the method further comprises presenting a web channel and identifying the web channel being presented” (see column 6, lines 17-26).

With regard to claim 101:

as per “means for enabling the associated means to access an Internet web site selected by the user, and the method further comprises enabling the associating means to access an Internet web site selected by the user” (see column 10, lines 51-56).

With regard to claim 102:

as per “a client device, including an Internet browser for enabling access to and retrieval of the plurality of the Internet web sites, and the method further comprises enabling the Internet browser to access and retrieve the plurality of the Internet web sites” (see figs. 2, and 3, column 10, lines 51-56).

With regard to claim 104:

Independent claim 104 is rejected for reasons similar to those given for the rejection of claim 57.

With regard to claim 105:

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Independent claim 105 is rejected for reasons similar to those given for the rejection of claim 94.

Claim Rejections - 35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 75, 76, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (6,594,682).

With regard to claim 75:

While Peterson discloses “a web channel title representing the associated Internet web site,” But Peterson fails to disclose “each of the plurality of the web channel buttons includes a web channel number.” However, Official notice is taken that it is well known to use or assign a number to a channel in order to identify the broadcasted channel. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a designated channel number to Peterson’s channel because in addition to the web channel title the channel number will be helpful identifying channels of content (such as web) providers.

With regard to claim 76:

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while Peterson discloses a plurality of navigating devices, such as mouse keyboard, etc, to browse the web-enabled TV (fig. 8), but Peterson fails to disclose "the navigating enabling means comprise a remote control device." However, Official notice is taken that it is well known to use a remote control as a navigating enabling means in conjunction with TV. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a remote control with the web-enabled TV (fig. 8) because it will be so much easier to navigate over a displayed control object (such as web site) using a remote control.

With regard to claim 84:

while Peterson discloses a plurality of network access means comprising physical wire, satellite, radio, microwave (column 13, lines 27-36), but a digital cable system is not disclosed, However, Official notice is taken that it is well known to use and incorporate a digital cable with PC/TV system in order to access data content from data content providers. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a digital cable medium with Peterson's. Thus, user of Peterson's system will be able to connect to their network or data provider by using a digital cable medium or any one of the plurality of communication mediums.

8. Claims 74, 83, 92, and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (6,594,682) as applied to claims 57 and 94, respectively above, and further in view of Schein et al (6,263,501).

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With regard to claims 83 and 92:

while Peterson describes a descriptive information, such as title to categorize and identify a web content (column 6, lines 17-26), but Peterson fails to describe a guide strip adapted to include a web channel number. However, Schein et al discloses a guide strip including name of the channel (ABC) and channel number (15) identifying the selected channel (see Schein: Fig. 17B-C, and elsewhere). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the guide strip of Schein with Peterson's content viewer interface because user will easily identify the viewing content just by looking the guide strip.

With regard to claims 74 and 103:

As per "a web channel guide window," Peterson discloses a User Interface window 122 as a channel guide window. This User Interface window 122 includes a plurality of web channel buttons which are also customizable, that is one can click and edit directly at the category (or channel) or sub-channel button (see Peterson: column 10, lines 9-15, fig. 5 and 6); furthermore, these User Interface window 122 can also be considered as Internet guide window because when one of the channels, or web site buttons is selected it connects to the Internet or a specified address in the network (column 10, lines 4-63).

Furthermore, As shown in fig. 5, clicking the "x" mark will close the channel listing clicking the channel will bring back the channel listing, this teaching could correlates to the claimed element, "guide button," but it ("guide button") is not clearly specified. However,

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Schein explicitly shows a *program guide* and *channel guide* buttons (figs. 16A and 16B, respectively). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the guide button in place of the Peterson's channel listing opening and closing mark because it is clearly accustomed and easier especially in TV environment to use a program guide button to list or display broadcast programs.

Response to Arguments

9. Applicant's arguments filed 11/25/2003 have been fully considered but they are not persuasive. Applicant argues "Peterson does not teach enabling integrated navigation between Internet web sites and television channels." The applicant further argues that "Peterson does not teach a graphical user interface which includes a means for enabling selection of and access to one of a plurality of Internet web sites and means for enabling selection of and access to one or more television channels." In contrast to the applicant's argument, Peterson discloses a graphical user interface or browser for navigating and accessing one or more of a plurality of television channels and one or more Internet web sites (see Figs. 5 and 6). As illustrated in Figs. 5 and 6 an integrated television channels (such as CNN, MSNBC, etc) and Internet web sites (such as sites related to business, technology, lifestyle and travel, etc) are shown.

Having fully addressed the Applicant's argument, the rejection still stands.

Conclusion

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10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

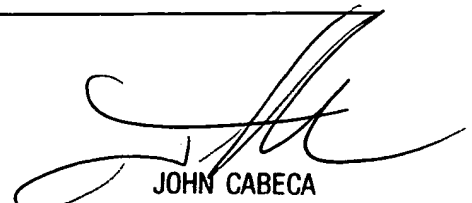
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 8:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *John Cabeca*, can be reached at (703) 308-3116

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

1/13/2004


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